



Environmental Review Classification and Levels of Environmental Review

Topics

- General Information
- Exempt Activities
- Categorical Exclusions Not Subject to 58.5
- Categorical Exclusions Subject to 58.5
- Environmental Assessment
- Environmental Impact Statement



General Information

- Before the environmental review is conducted, the environmental classification must be determined and documented.
- Level of environmental review is based on the project description.
- There are five different levels of environmental review each with different requirements
 - Exempt
 - Categorical Exclusions Not Subject to 58.5
 - Categorical Exclusions Subject to 58.5
 - Environmental Assessment
 - Environmental Impact Statement



Typical Timelines for Completing the Different Levels of Environmental Review...



- Exempt – less than an hour
- Categorical Exclusions Not Subject (CENST) to 58.5 – less than an hour
- Categorical Exclusion Subject To 58.5 (CEST) – 30 to 75 days (more or less) depending on consultations required
- EA – 45 to 100 days to complete depending on consultations required
- EIS – 1 to 2 years to complete



Exempt Activities of 58.34

- Environmental studies, plans & strategies
- Information & financial services
- Administrative & management expenses
- Public services **without** physical changes
- Inspections & testing properties
- Purchase of insurance
- Purchase of tools
- Engineering or design costs
- Technical assistance & training
- Payment of principal and interest on HUD loans
- Any of the CEST activities at 58.35(a) if Federal laws and authorities at 58.5 are not triggered



Environmental Review Requirements of Exempt Activities

- Determination of Exemption must be made in writing (Determination Form) and the documentation must be maintained in the ERR.
- Compliance with 58.6 is **required**
- Compliance with 58.5 is **NOT** required
- Publication of a Notice of Intent to Request Release of Funds (NOI/RROF) is **NOT** required
- Submission of a certified RROF to HUD/GLO is **NOT** required



Categorical Exclusions Not Subject to 58.5 (CENST) of 58.35(b)

- Tenant-based rental assistance (TBRA)
- Supportive services
- Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs
- Economic development activities not associated with construction or expansion of existing operations
- Activities to assist homebuyers
- Affordable housing pre-development costs
- Supplemental assistance of previously-approved project



Environmental Review Requirements of CENST Activities

- Determination of CENST must be made in writing (Determination Form) and the documentation must be maintained in the ERR.
- Compliance with 58.6 is required
- Compliance 58.5 is **NOT** required
- Publication NOI/RROF is **NOT** required
- Submission of a certified RROF to HUD/GLO is **NOT** required



Categorical Exclusions Subject to 58.5 58.35(a)

- Acquisition, repair, improvement, reconstruction or rehabilitation of public facilities and improvements when:
 - Facilities and improvements are in place
 - No more than 20% change in size or capacity
 - No change in land use
- Removal of architectural barriers that restrict accessibility



Categorical Exclusions Subject to 58.5 (Con't.)

- Rehabilitation of buildings and improvements:
 - Residential Structures of 1 – 4 units: no more than 4 units; no change in land use; cannot increase into floodplain or wetland
 - Multifamily Residential Structures: unit density does not change more than 20%; no change in land use; cost of rehab is less than 75% of replacement cost after rehab
 - Commercial, Industrial and Public Buildings: size and capacity does not increase by more than 20%; no change in land use



Categorical Exclusions Subject to 58.5 (Con't.)

- Individual action on up to four dwelling units (One 4-unit structure or four 1-unit structures or any combination in between):
- Individual action on a project of five or more housing units when sites are more than 2000 feet apart and no more than four units on any one site.
- Acquisition, disposition or finance of existing structure or vacant land if retained for same use.
- Combination of any of the above activities.



Environmental Review Requirements for Categorical Exclusions Subject to 58.5

- Determination of CEST must be made in writing (Determination Form) and the documentation must be maintained in the ERR.
- Compliance with 58.6 is **required**
- Compliance 58.5 is **required**.
- Can convert to exempt if activities are found not to require compliance with any authority under 58.5:
 - Additional consultation
 - Mitigation measures
 - Additional studies
 - Conditions
 - Permits
- Publication of NOI/RROF is **required**, unless project converts to exempt.
- Submission of a certified RROF to HUD/GLO is **required**, unless project converts to exempt.



Environmental Assessments

- If a project is not exempt or categorically excluded as described above, then an **Environmental Assessment (EA)** must be prepared.
 - Determination must be made in writing and the documentation must be maintained in the ERR.
 - Compliance with 58.6 is required
 - Compliance with 58.5 is required



Environmental Review Requirements for Environmental Assessments

- Completion of EA Checklist is required which reaches a Finding of No Significant Impact (FONSI) or a conclusion that an Environmental Impact Statement must be prepared.
- Publication of NOI/RROF is required
- Publication of FONSI notice is required
- Submission of a certified RROF to HUD/GLO is required



Environmental Impact Statement (EIS) is Required if a Proposed Action Significantly affects the Environment

[58.37(a)]

- **CEQ NEPA Regulations 1508.27--Definition of “Significantly”**

- Short and long term effects must be considered
- Beneficial and adverse effects must be considered
- Degree to which the proposed action affects public health or safety
- Unique characteristics of the geographic location
- Degree of controversy
- Degree of uncertainty of the effects and unknown risks
- Degree to which action is precedent setting
- Involves connected actions which have significant cumulative impacts on the environment
- Degree of adverse effects to objects listed on the National Register of Historic Places or which may cause loss or destruction of significant scientific, cultural or historical resources.
- Degree of adverse effects on endangered species or critical habitats
- Whether the action threatens a violation of Federal, State or local law, or if requirements are imposed for the protection of the environment.



Part 58 EIS Thresholds 58.37(b)

- Construction of hospitals or nursing homes with 2,500 or more beds
- Removal, demolition, conversion or substantial rehabilitation of 2,500 or more housing units
- Construction of 2,500 or more housing units
- Project that would provide the site for 2,500 or more housing units
- Project that would provide enough additional water or sewer capacity to support 2,500 or more additional housing units



Additional EIS Provisions

- If an EA is prepared and the Part 58 thresholds would be the “sole” basis for an EIS, may prepare a FONSI in accordance with 40 CFR 1501.4, with an extended minimum 30 day comment period before making a final determination as to whether to prepare an EIS
- EIS is not required if 58.53 is applicable
- Must use minimum EIS format of 40 CFR 15.10 format unless a compelling reason not to do so is documented.
 - Then an equivalent format must be used.



Questions?

